

**PUBLIC MEETING**  
**February 6, 2001**

Chair Karolin Loendorf called the meeting to order at 9:05 a.m. Commissioner Varone was present. Commissioner Murray was absent attending a legislative hearing. Others attending all or a portion of the meeting included Sharon Haugen, Ron Alles, Frank Rives, Pat Clinch, Thomas Ries, Bruce Suenram, Pete McHugh, Wayne Effertz, Robert Hudnall, Mark Grotbo, Dave Wood, Carol Matyas, Louis Matyas, Karen Borowiak, Jana Underkofler, Bev Radley, Ray Hoffman, Donna Hoffman, Ed Shea, Ron Stefanik, Blair Ricks, Heide Ries, Les Harris, Dewer Hahlbohm, Dick Meeker, Bruce Suenram, and Carole Byrnes.

Minutes. The minutes of January 16, 18, and 30, 2001 were approved.

Auditor Invoice Report. Alicia Pichette presented 628 invoices for payment for a total amount of \$397,883.61. A copy of the report and the claims are available for public inspection in room 341. Commissioner Varone moved that the Commission approve the report. Commissioner Loendorf seconded the motion and it carried 2-0.

Community Juvenile Justice Council Grant. Dick Meeker reported that this is a continuation grant of the Community Juvenile Justice Council grant through the Montana Board of Crime Control. This is the third and final year of this grant. The grant total is \$9,860. Commissioner Varone moved that the grant be approved and authorized the Chair to sign. Commissioner Loendorf seconded the motion and it carried 2-0.

Proposed Minor Subdivision, Summary Review, Traub Minor. The applicant proposes to create a 22-unit storage building and allow an existing mobile home to remain, along with an existing duplex, on a one-acre tract. The proposal is generally located west of and adjacent to Valley Drive and north of and adjacent to Hoffman Road. The applicant, John Traub, submitted a letter requesting an extension of the hearing to February 20, 2001. By consensus, the letter was entered into the public record. County planner, Frank Rives, reported that the applicant's issue involves a non-residential subdivision review. The Commission opened the public hearing.

Pat Clinch, 5510 George Drive, representing Ray Hoffman, 3370 Hoffman Road. Mr. Hoffman opposes the change in zoning to a non-residential use. Also, the proposed access to this land is across a private road and the applicant has not requested nor has been granted an easement across this private land.

Hearing no other public comments, the Commission closed this portion of the hearing.

Commissioner Varone moved that the hearing be continued to February 20, 2001 at 9:00 a.m. in room 330. Commissioner Loendorf seconded the motion and it carried 2-0.

Proposed Minor Subdivision, Summary Review, Ries Tracts, Lot 2 Minor. The applicant proposes to create two lots, each for one single-family dwelling. The proposal is generally located south of Hannah Lane and east of and adjacent to Scratchgravel Drive. The applicant, Thomas Ries, was present and indicated his willingness to proceed. Frank Rives presented the staff report. Each lot would be served by an on-site wastewater treatment system. Scratchgravel Drive would need to be improved to Hannah Lane to meet county road standards. Groundwater appears to be adequate for domestic use. A five-year weed management plan is required. The Scratchgravel earthquake fault is located within ¼ mile of the subject property and must comply with the Uniform Building Codes for Seismic Zone 3. Determination of the true location of the fence along the northern boundary of Lot 2A, which appears to be located in the Hannah Lane right-of-way, would need to be established prior to approval of the final plat. Staff recommended approval of the proposal subject to 13 conditions. Commissioner Varone complimented Mr. Rives for a good staff report and then she asked for an explanation of the deviation from DEQ requirements.

Thomas Ries, 3699 Highway 12 East, East Helena. Mr. Ries stated he intends on paving Scratchgravel Drive to county standards at a later date. Mr. Ries agreed to the conditions of approval.

The Commission opened the public hearing.

Bruce Suenram was present representing the West Valley Fire District. Mr. Suenram stated the fire protection clause is inconsistent with the adjacent subdivision in which the fire district requested \$200 for a newly created lot. Also, the vegetation management plan should be consistent with the adjacent subdivision. Mr. Suenram further stated that the sign on Green Meadow is missing.

Commissioner Loendorf asked the applicant about the mixing zone where it extends into tract 3.

Mr. Ries stated that Brad Plymale owns tract 3A and he will present the Commission with a letter of confirmation and agreed to an extension to Thursday, February 8. He further stated he has no problem with the request of the fire department.

Commissioner Varone moved that the Commission leave open the public record and render a final decision on Thursday, February 8, 2001. Commissioner Loendorf seconded the motion and it carried 2-0.

Resolution Declaring County Property Surplus. Ron Alles reported that the Sheriff Department radio/pagers do not work and would cost more to fix than to dispose of. Staff recommended approval. Commissioner Varone moved that the Commission approve the resolution and authorized the Chair to sign. Commissioner Loendorf seconded the motion and it carried 2-0.

The Commission recessed and reconvened at 10:05 a.m.

Resolution to Create Rural Improvement District No. 2001-1 for Maintenance of the Oro Fino Park. Sharon Haugen reported that the BoCC adopted a resolution of intent to create the RID on January 16, 2001. To date, 26 protests have been collected constituting 32.91 percent of the landowners. The RID is \$40 for improvements on the park and \$40 for maintenance for a total of \$80 per lot for the first 10 years then the amount decreases to \$40 per lot. This process was started based on a petition received by the landowners in the Oro Fino District.

The Commission opened the public hearing.

Pete McHugh, 4295 McHugh Drive. Mr. McHugh stated that the McHugh Land and Livestock property is not part of the Oro Fino Subdivision and the district boundary should reflect the boundaries of the subdivision.

Rodney Stefanik, 4156 Bernice Drive. Mr. Stefanik stated he is opposed to the park proposal because he supports the Middemas subdivision and he is not part of the new Oro Fino development. His property access is from Middlemas.

Blair Ricks, 4165 Homestake Drive. Mr. Ricks submitted a letter in protest of this park development. The roads in the subdivision are chipsealed and are not designed to handle a lot of traffic. He believes a safety hazard exists because of the many young children who walk and play on the roads. The park also borders Ten Mile Creek and could create a safety hazard for young children. The taxes raised to create this subdivision could be better used in other developments within the county.

Mark Grotbo, 902 Menlo Park. Mr. Grotbo favors the park proposal. Two-thirds of the people that support this proposal are not here today. The residents who want the park would like to have grass, a sprinkler system, a well, and some trees. The Park Board gave them \$1,050 for a project to assist with the removal of the car bodies used for riprap. They have received other grants from DNRC and Hyrotec for engineering work. The adjacent landowners are benefiting properties. He believes this proposal will increase the value of the neighborhood.

Wayne Effertz, 4251 McHugh Drive. Mr. Effertz protests the boundaries that were developed for the park. The 1.77 acres he purchased is used for horse pasture only. Ninety percent of the lot is in the floodway and was not purchased

as a residential lot. This lot borders the park and has flooded five times in the last 20 years. Mr. Effertz distributed aerial photographs of the park area. Creating the park will not benefit his property because his property cannot be developed.

Ed Shay, 929 Lodestar Road. Mr. Shay protests the park development. He originally voted in favor of the park, but since last summer some of his neighbors wells have dropped. It is not necessary to put in a new well and grow grass for the few people who will use the park.

Karen Borowiak, 906 Lodestar Road. Mrs. Borowiak protests the park improvement. She stated this is a very sensitive issue and is creating a wedge between the Menlo Park, Lodestar, and Homestake residents. The people on Middlemas Road voted against the proposal and were therefore eliminated, but most of the people on Lodestar Road voted against this proposal and were included. Because of the continuing drought conditions, adding more grass will put a strain on everyone's wells. She believes this will decrease the value of her home and because of the type of problems that may occur in that park. She asked the Commission to consider this proposal very carefully and include the vote of the residents on Middlemas Road.

Louis Matyas, 4166 Bernice. He and his wife protest the Oro Fino Park. His protest letter states his concern of well problems, drug, and alcohol situations that could occur in the park. The fee of \$80 is excessive for retired people on a fixed income. He and his wife built their home for the quiet nature of the area. This park will bring in more people and more traffic to the neighborhood. The residents of Middlemas were excluded because they did not want the park. He would also like to be excluded.

Jana Underkofler, 905 Lodestar. Mrs. Underkofler stated her original vote was in favor of the park, but after further consideration of how it will affect traffic, she would like to change her vote to a protest. She also stated she never received the letter for this hearing.

Louis Matyas. The entire Oro Fino subdivision should be included in the proposal. He asked if this would be considered a duplicate tax because everyone is already taxed on parks.

Les Harris, 901 Menlo Park Road. Mr. Harris is a proponent for the park. His group worked in conjunction with county staff defining the property owners that had a direct relationship to the park, and if they were outside the Oro Fino Subdivision if they had a direct benefit of the park. There is no parking area for this park. If the petition were to exclude people in the 32% that are against the park, the financing for the park will dramatically change.

Mary Ann Shott, 910 Menlo Park. Mrs. Shott stated this issue has caused divisiveness in the neighborhood. She is not in favor of developing a high-use park, but only to level potholes and add a well for a green-belt area. She doesn't believe teenagers will hang out in the park, but believe the young children will have a place to play. The \$6.66 a month is a reasonable RID fee. She and her family purchased their home because of the park area.

Dewey Hahlbohm, 912 Menlo Park Road. Mr. Hahlbohm read an excerpt from the Comprehensive Parks Recreation Open Space Plan dated January 1998 and a letter sent by the county to the president of his homeowners association in March 1998 regarding a subdivision park. This letter outlined the Executive Summary of Volume 3 of the Plan that this park could be part of the Ten Mile Creek green belt. He shares the concerns for the condition of the roads, outside influence, and water availability. He would like to see this area preserved as a park and not sold. He requested that the proposed RID be amended to permit a more limited development with reduced water usage and maintained in a natural or dryland development with a limited number of trees and weed control.

Rod Stefanik. Mr. Stefanik stated that Menlo Park is dictating the future of the subdivision. All of Oro Fino subdivision should be included. According to the map, the majority of the lots are 1 acre in size and therefore there is no reason for a park.

Louis Matyas. Mr. Mayas stated again that he does not want the park. If this were to be approved, it should include the entire subdivision of Oro Fino Subdivision. He recommended that this issue be held open until we can get a survey of the entire Oro Fino Subdivision.

Hearing no other public comments, the Commission closed this portion of the hearing. Commissioner Varone moved that the Commission render a decision Tuesday, February 13, 2001 at 9:00 a.m.

There being no other public comments, the meeting adjourned at 11:05 a.m.